

Appl. No. 09/629,415
Response to Office Action

REMARKS

Claims 2-8, 10-12, and 14-21 are pending in the present application. Of these claims, Claims 2-5, 10-12, and 14-21 have been rejected. The Applicant respectfully traverses the rejections of these claims and requests reconsideration. Additionally, the Applicants thank the Examiner for indicating the allowability of Claims 6-8.

Claims 2-5, 10-12 and 14-21 were rejected under 35 USC §103(a) as being unpatentable over Furtner (U.S. Patent No. 6,778,177) in view of Long, et al. (U.S. Patent No. 6,483,519). Although the Applicant believes that the present claims are allowable on their merits over the cited art, the Furtner patent is not valid prior art with respect to the present application. Specifically, the present application was filed on August 1, 2000. Although the filing date of the International Application on which the Furtner patent is based was filed April 10, 2000, the 102(e)(2) date of this patent is February 19, 2002, the date on which the National Stage Requirements under 35 U.S.C. §371 were fulfilled. Moreover, the International application was published on October 26, 2000, which is subsequent to the filing date of the present application. Thus, the PCT publication WO 00/63846 also does not qualify as prior art under 35 USC §102(a).

The Applicants representative contacted the Examiner of record on December 3, 2004 by voicemail concerning the prior art status of the Furtner patent as detailed above. In response, the Examiner replied on December 7, 2004, and indicated that, after reconsideration, the Furtner reference is indeed not prior art with respect to the present application. Accordingly, the Applicant respectfully requests withdrawal of the present rejection.

Appl. No. 09/629,415
Response to Office Action

In light of the foregoing, Applicant respectfully submits that the present application is in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case.

Respectfully Submitted,

By: 

Patrick Law

Registration No. 41,549

Date: December 10, 2004

VEDDER, PRICE, KAUFMAN &
KAMMHOLZ, P.C.
222 N. LaSalle Street
Chicago, IL 60601
(312) 609-7500
FAX: (312) 609-5005